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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,670	02/07/2001	Juha Mikola	944-003.057	4366
4955	7590	06/04/2004	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			PEREZ GUTIERREZ, RAFAEL	
		ART UNIT	PAPER NUMBER	
		2686	7	
DATE MAILED: 06/04/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/778,670	Mikola et al.	
	Examiner Rafael Perez-Gutierrez	<b>Art Unit</b> 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 February 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 07 February 2001 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 4 and 6.
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements submitted on February 7, 2001 and September 9, 2002 have been considered by the Examiner and made of record in the application file.

### ***Drawings***

2. The drawings are objected to because of the following minor informalities:
  - a) On **figure 5A**, replace “VR(A) - y.” with --VT(A) - y.-- in the transmitting side; and
  - b) On **figure 5B**, replace “VR(A) - 0.” with --VT(A) - 0.-- in the transmitting side.
3. Applicant is **REQUIRED** to submit a proposed drawing correction or corrected drawings or arguments therefor in reply to this Office Action. If a response to the present Office Action fails to include proper drawing corrections or corrected drawings or arguments therefor, the response can be held **NON-RESPONSIVE** and/or the application could be **ABANDONED** since the corrections to the drawings are no longer held in abeyance.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless -- (e) the invention was described in (1) an application for patent,

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published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Suumäki et al. (U.S. Patent # 6,590,905 B1).**

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another”, or by an appropriate showing under 37 CFR 1.131.

Consider **claims 1-5 and 9-13**, Suumäki et al. clearly show and disclose a mobile communication system and a method for use in said mobile communication system with radio network controllers (figures 1A, 2A, 3, and 4) capable of exchanging control of a communication link to a user equipment without disruption in an acknowledge mode, comprising:

means for deciding at a source radio network controller (RNC) to perform relocation of said control of said communication link to a target radio network controller (RNC) (figure 5, column 2 lines 1-9 and column 3 lines 57-64);

means for preparing at said target RNC for said relocation by initializing one or more state variables (e.g., receive) (figure 5, column 2 lines 28-54, and column 4 lines 7-12);

means for providing a reset signal from said source RNC to said user equipment (UE) (figure 5 and column 4 lines 12-21);

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means responsive to said reset signal for resetting at least one state variable (e.g., send, acknowledge) of said UE (figure 5, column 2 lines 28-54, and column 4 lines 12-21); and  
means for relocating said control of said communication link from said source RNC to said target RNC (figure 5 and column 4 lines 21-51).

Consider **claims 6-8**, Suumäki et al. further show and disclose a UE for use in a mobile communication system with RNCs (figures 1A, 2A, 3, and 4) capable of exchanging control of a communication link to said UE without disruption in an acknowledge mode, comprising:

means (not shown) responsive to a reset signal from a source RNC for setting at least one state variable (e.g., send, acknowledge) of said UE (figure 5, column 2 lines 28-54, and column 4 lines 12-21); and

means (not shown) responsive to said reset signal from said source RNC for providing a reset acknowledge signal to said source RNC (figure 5 and column 4 lines 12-26).

Consider **claim 14**, Suumäki et al. clearly show and disclose a RNC for use in a mobile communication system with plural RNCs (figures 1A, 2A, 3, and 4) capable of exchanging roles in controlling a communication link over an air interface to a user equipment without disruption, comprising:

means (not shown) for deciding to perform relocation control of said communication link to a target radio network controller (RNC) (figure 5, column 2 lines 1-9 and column 3 lines 57-64) and for providing a reset signal to said UE (figure 5 and column 4 lines 12-21); and

means (not shown) responsive to a reset acknowledge signal from said UE for signaling commitment of a source RNC to said relocation to said target RNC (figure 5, column 2 lines 28-

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54, and column 4 lines 12-26).

Consider **claim 15**, Suumäki et al. clearly show and disclose a RNC for use in a mobile communication system with plural RNCs (figures 1A, 2A, 3, and 4) capable of exchanging roles in controlling a communication link over an air interface to a UE without disruption, comprising:

means (not shown) responsive to a relocation decision signal from a source RNC for initializing one or more state variables of said RNC acting as a target RNC (figure 5, column 2 lines 28-54, and column 4 lines 7-12); and

means (not shown) for controlling said UE with said RNC acting as said target RNC with said UE having state variables reset to match said one or more state variables of said RNC (figure 5, column 2 lines 28-54, and column 4 lines 7-26).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Muszynski (U.S. Patent # 5,790,528) discloses semi-hard handoff in a cellular telecommunications system;

Ahmavaara (WO 99/51051) discloses a method for controlling connections to a mobile station;

Rajaniemi (WO 00/31988) discloses a location management method;

Wallentin et al. (U.S. Patent # 6,230,013 B1) disclose diversity handling moveover for

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CDMA mobile telecommunications;

Longoni et al. (U.S. Patent Application Publication # 2001/0018345 A1) disclose cell update in a cellular communications system;

Lehtovirta et al. (U.S. Patent Application Publication # 2001/0034228 A1) disclose a method and apparatus for releasing connections in an access network;

Rinne et al. (U.S. Patent Application Publication # 2001/0046863 A1) disclose a method and system for controlling a radio communications network and radio network controller;

Mustajärvi et al. (U.S. Patent # 6,661,782 B1) disclose routing area updating in a packet radio network.

6. Any response to this Office Action should be **faxed to (703) 872-9306 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Crystal Park II  
2021 Crystal Drive  
Arlington, VA 22202  
Sixth Floor (Receptionist)

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (703) 308-8996. The Examiner can normally be reached on Monday-Thursdays from 6:30am to 5:00pm.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700 or call customer service at (703) 306-0377.

  
Rafael Perez-Gutierrez  
R.P.G./rpg   **RAFAEL PEREZ-GUTIERREZ**  
**PATENT EXAMINER**

May 31, 2004